

## EXHIBIT 6



# Miles City Field Office

Final Supplemental Environmental Impact Statement and Proposed Resource Management Plan Amendment



Estimated agency total costs  
associated with developing  
and producing this EIS:  
**\$410,000**



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301  
[www.blm.gov/mt/](http://www.blm.gov/mt/)

Dear Reader:

Enclosed is the Proposed Resource Management Plan Amendment (RMPA)/Final Supplemental Environmental Impact Statement (FSEIS). The Proposed RMPA/FSEIS was prepared by the Bureau of Land Management (BLM) in consultation with various government agencies and organizations, taking into account public comments received during this planning effort. The purpose of the Proposed RMPA is to amend the 2015 Miles City Field Office RMP to provide additional land use planning-level analysis specifically regarding coal, oil, and gas, and to determine lands to be made available for coal leasing in the Miles City Field Office. The need for action is to respond to a United States District Court, District of Montana, opinion and order (*Western Organization of Resource Councils, et al. v. BLM*). The Proposed RMPA would replace decisions for coal allocations in the 2015 Miles City Field Office RMP/Record of Decision. The BLM has conducted new coal screening, in accordance with 43 CFR 3420.1-4.

Pursuant to the BLM's planning regulations at 43 CFR 1610.5-2, any person who participated in the planning process for this Proposed RMPA and has an interest which is or may be adversely affected by the planning decisions may protest approval of the planning decisions contained therein. The Proposed RMPA/FSEIS is open for a 30-day protest period beginning October 4, 2019.

The regulations specify the required elements of your protest. Take care to document all relevant facts. As much as possible, reference or cite the planning documents or available planning records (e.g. meeting minutes or summaries, correspondence, etc.).

Instructions for filing a protest with the Director of the BLM regarding the Proposed RMP Amendment and Final EIS may be found online at <https://www.blm.gov/programs/planning-and-nepa/public-participation/filing-a-plan-protest> and at 43 CFR 1610.5-2. All protests must be in writing and mailed to the appropriate address, as set forth below, or submitted electronically through the BLM ePlanning project website. Protests submitted electronically by any means other than the ePlanning project website protest section will be invalid unless a protest is also submitted in hard copy. Protests submitted by fax will also be invalid unless also submitted either through ePlanning project website protest section or in hard copy. All protests submitted in writing must be mailed to one of the following addresses:

All protests must be in writing and mailed to one of the following addresses:

Regular Mail:

Director (210)  
Attn: Protest Coordinator  
P.O. Box 71383  
Washington, D.C. 20024-1383

Overnight Delivery:

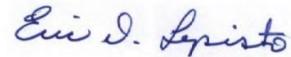
Director (210)  
Attn: Protest Coordinator  
20 M Street SE, Room 2134LM  
Washington, D.C. 20003

**All protests must be RECEIVED on or before November 4, 2019.**

Before including your address, phone number, email address, or other personal identifying information in your protest, be advised that your entire protest – including your personal identifying information – may be made publicly available at any time. While you can ask us in your protest to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

The BLM Director will make every attempt to promptly render a decision on each protest. The decision will be in writing and will be sent to the protesting party by certified mail, return receipt requested. The decision of the BLM Director shall be the final decision of the Department of the Interior on each protest. Responses to protest issues will be compiled and formalized in a Director's Protest Resolution Report made available following issuance of the decisions. Upon resolution of all land use plan protests, the BLM will issue a Record of Decision (ROD). The ROD will be available to all parties at <https://go.usa.gov/xmbE4>.

Sincerely,



Eric Lepisto  
Miles City Office Field Manager, Acting  
Bureau of Land Management

**Final Supplemental Environmental Impact Statement and  
Resource Management Plan Amendment  
Miles City Field Office, Montana**

Responsible Agency: United States Department of the Interior  
Bureau of Land Management

Type of Action: Administrative (X) Legislative ( )

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**Abstract:** This Final Supplemental Environmental Impact Statement (SEIS) and Resource Management Plan Amendment (RMPA) augments analysis for the 2015 Miles City Field Office RMP. The SEIS updates the coal screens; analyzes two reduced coal alternatives; supplements analysis of coal, oil, and gas downstream emissions; and provides justification for the global warming potential analysis. The scope of the SEIS/RMPA is limited to amending coal leasing acceptability decisions from the 2015 RMP/Record of Decision (ROD). The RMPA would affect up to 11.7 million acres of subsurface federal coal estate in eastern Montana administered by the Bureau of Land Management (BLM) Miles City Field Office. The RMPA is limited to amending decisions regarding lands acceptable for further consideration for leasing from the 2015 RMP.

The BLM is the lead agency for the Final SEIS/RMPA with eight cooperating agencies initially participating in the plan development. Planning issues address leasable minerals, greenhouse gases, climate change, economics, water resources, cultural resources, fish and wildlife (including special status species), and lands and realty. The SEIS/RMPA considers three alternatives.

Alternative A, the No Action Alternative, continues management decisions for coal leasing availability under the 2015 RMP/ROD. Alternative B would update management decisions for coal leasing availability under the 2015 RMP/ROD based on a revised coal screen not contemplated when the coal development potential area was defined under Alternative A. Alternative B removes areas as unacceptable for further consideration for leasing under a multiple-use screen that considers conflicts with active oil and gas wells; active oil and gas units; perennial, riparian, and wetland resources; conservation easements; recreation areas; travel management areas; sport fishing reservoirs; areas of critical environmental concern; and cultural viewsheds. Alternative C uses the coal screens described under Alternative B, but it applies an additional multiple-use criterion for air resources. Under this alternative, coal availability would be restricted to an 8-mile infrastructure area around four existing mines.

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# Executive Summary

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## ES.I INTRODUCTION

In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Montana Miles City Field Office (MCFO) prepared this supplemental environmental impact statement (SEIS) to the 2015 Proposed Resource Management Plan (RMP)/Final EIS and RMP amendment (RMPA) to the 2015 Approved RMP. The BLM prepared this Final SEIS/Proposed RMPA in accordance with NEPA; the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] 1500–1508); Department of Interior NEPA regulations (43 CFR 46); and the requirements of the BLM's NEPA Handbook, H-1790-1 (BLM 2008).

This SEIS/RMPA is in response to the federal district court's order in *Western Organization of Resource Councils, et al. v. Bureau of Land Management*, Civil Action No. CV 16-21-GF-BMM (D. Mont. 2017) (hereinafter, "order"). The court's order found that the 2015 MCFO Final EIS was inadequate in three areas (the range of alternatives in relation to coal availability; downstream combustion of coal; and justification of the time-horizon for analyzing greenhouse gas emissions). The court's order directed the BLM to supplement analysis to resolve NEPA deficiencies in the 2015 EIS. Through this SEIS/RMPA, the BLM will analyze a range of alternatives for coal availability not analyzed in the 2015 Proposed RMP/Final EIS (including new coal screening), analyze the climate change impacts of coal leasing, and analyze the downstream environmental consequences of fossil fuel combustion, including global warming potential over a 100-year time horizon.

The SEIS/RMPA will be used to decide whether to amend the 2015 Approved RMP (BLM 2015b), and it will guide management of public lands administered by the MCFO into the future. Information about the SEIS/RMPA process can be obtained on the ePlanning website.<sup>1</sup>

The 2015 Approved RMP/Record of Decision was completed in September 2015 and provides management guidance and direction for approximately 2.75 million acres of BLM-administered surface land and 11.9 million acres of subsurface federal mineral estate in 17 eastern Montana

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<sup>1</sup> <https://go.usa.gov/xmbE4>

counties. BLM management applies only to public lands, meaning those lands where the BLM has management responsibility for either the surface or the subsurface estate. **Figure ES-1** provides a map of the decision area. Except as described in **Section ES.2**, planning decisions remain valid.

## **ES.2 PURPOSE OF AND NEED FOR THE RESOURCE MANAGEMENT PLAN AMENDMENT**

The purpose of this SEIS/RMPA is to provide additional land use planning-level analysis specifically regarding coal and oil and gas in the MCFO and to determine the lands to be made available for coal leasing. To support analysis in the SEIS/RMPA and subsequent decision-making, the BLM has conducted new coal screening, in accordance with 43 CFR 3420.1-4.

This SEIS/RMPA is needed in order to satisfy the following:

- Consider an alternative that would reduce the amount of recoverable coal<sup>2</sup> and consider climate change impacts, in order to make a reasoned decision on the amount of recoverable coal made available
- Supplement the analysis of the environmental consequences of downstream combustion of coal and oil and gas open to development
- Justify the time horizon of the estimated global warming potential impacts (e.g., 20-year or 100-year) and to acknowledge the evolving science in this area

## **ES.3 SCOPING**

The MCFO SEIS/RMPA public scoping process began on November 28, 2018, with publication of the Notice of Intent (NOI) in the *Federal Register* (FR) (83 FR 61167); it ended on December 28, 2018. On November 26, the BLM solicited comments from federal, state, and local agencies; Native American tribes; the public; stakeholders; and other interested parties. On December 13, the BLM MCFO conducted a public scoping meeting and a meeting with cooperating agencies at the field office in Miles City, Montana. The BLM announced the meeting through the NOI in the *Federal Register*, the ePlanning website, and news releases. The BLM MCFO has provided public access to SEIS/RMPA-related information on its ePlanning website.

During the public scoping period, the BLM received 32 unique written submissions, comprising 447 substantive comments. The BLM put the comments into seven issue categories. Most comments were received for resource-specific issues: coal, oil and gas, air quality, climate change, economic issues, best available information/baseline data, and the range of alternatives. Detailed information can be found in the scoping report on the MCFO SEIS/RMPA ePlanning website.

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<sup>2</sup>The amount of recoverable coal, for the purposes of this SEIS, is the estimate of acres of coal potential identified in Screen 1. The acreage of recoverable coal available for leasing is calculated by applying all four coal screens.

The BLM sent letters to eligible federal, state, and local agencies and tribes inviting them to be cooperating agencies and to assist with the SEIS/RMPA. The tribal letters also asked if the tribes wanted to initiate formal government-to-government consultation. The BLM held a cooperating agency meeting prior to the public scoping meeting on December 13, 2018.

#### **ES.4 ISSUES**

The BLM read and reviewed all 447 scoping comments received and categorized them into the following 7 issue categories:

- Best available information/baseline data
- Cumulative impacts
- Direct/indirect impacts
- Federal Land Policy and Management Act of 1976
- Other laws
- Range of alternatives
- Resource specific

The BLM further categorized the 447 comments received that pertained to resources and resource uses based on the specific resource or resource use. The Miles City Field Office SEIS and RMPA Scoping Report (BLM 2019) shows the number of comments by specific resource or resource use. Resource topics analyzed in detail are air resources, including greenhouse gases and climate change; water resources; wildlife, including special status species; lands and realty; cultural resources; and economics.

#### **ES.5 PLANNING CRITERIA**

Planning criteria guide development of the SEIS/RMPA by defining the decision space. 43 CFR 1610.4-2(b) states that the “Planning criteria will generally be based upon applicable law, Director and State Director guidance, the results of public participation, and coordination with any cooperating agencies and other Federal agencies, State and local governments, and federally recognized Indian tribes.”

Planning criteria represent the overarching factors used to resolve issues and to develop alternatives. The planning criteria considered in the development of this document are as follows:

- The SEIS/RMPA complies with NEPA, FLPMA, and other applicable laws, executive orders, regulations, and policy.
- Lands covered in the SEIS/RMPA are federal lands, including split estate,<sup>3</sup> managed by the BLM. No decisions will be made relative to non-BLM-administered lands.
- The SEIS/RMPA makes land use planning decisions to allocate lands acceptable for further consideration for coal leasing.

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<sup>3</sup> Split estate is subsurface federal coal overlain by state or private surface lands within the decision area.

- The SEIS/RMPA uses a collaborative and multi-jurisdictional approach to determine the desired future condition of public lands.
- Decisions in the plan are compatible with existing plans and policies of adjacent local, state, federal, and tribal agencies, as long as the decisions are consistent with the purposes, policies, and programs of federal law and regulations applicable to public lands.
- The SEIS/RMPA recognizes valid existing rights.
- The SEIS/RMPA does not change existing planning decisions that are still valid.

## ES.6 MANAGEMENT ALTERNATIVES

Issues identified through the BLM's scoping efforts and the court's order helped the interdisciplinary team identify three management alternatives. The BLM's action alternatives update and modify the coal screen used to determine coal suitability (**Appendix A**), resulting in a range of areas identified as acceptable for further consideration for coal leasing. **Table ES-1**, below, shows a comparison of alternatives.

**Table ES-1**  
**Alternatives Summary and Coal Acceptability Determination<sup>1</sup>**

Alternative	Acres Acceptable	Acres Unacceptable
Alternative A: No Action Alternative	1,581,240	325,430
Alternative B	1,214,380	530,420
Alternative C	158,400	1,586,400

Sources: BLM 2015a; BLM GIS 2019

<sup>1</sup> Acres unacceptable for further consideration for coal leasing and development are those without coal potential or lands that were identified as unacceptable for further consideration for leasing under the multiple-use screen, through the landowner consultation screen, and those that are unsuitable without exception under the unsuitability screen. In accordance with 43 CFR 3461.2-1, the BLM could, based on additional site-specific surveys or changes in resource conditions, change the unsuitability determination for screen 2 unsuitability of a given tract at the activity planning stage.

### ES.6.1 Alternative A: No Action Alternative

For the No Action Alternative, the BLM brought forward management decisions from the coal screens performed for the Powder River and Big Dry RMPs into the 2015 Proposed RMP/Final EIS. The coal screens from the Powder River and Big Dry RMPs are included in the *Minerals Appendix* to the 2015 Proposed RMP/Final EIS. Although the coal screen is the same as the 2015 RMP, Alternative A uses the updated reasonably foreseeable development scenario to forecast production and surface disturbance within areas acceptable for further consideration for coal leasing.

### ES.6.2 Alternative B (Proposed Plan Amendment)

For Alternative B, new coal screens were applied to determine lands acceptable for further consideration for coal leasing. **Appendix A** includes the new detailed coal screens and their supporting data. An air quality criterion was considered as a multiple-use coal screen under this alternative.

Alternative B considers a criterion for maintaining air quality standards as part of the multiple-use screen; however, existing data and modeling done for the 2015 Proposed RMP/Final EIS showed no air quality standards were exceeded based on the national ambient air quality standards under the Clean Air Act. Therefore, no resulting geographic area of land was unsuitable for further consideration for coal leasing based on air resources.

In addition, this alternative removes lands as unacceptable for further consideration for leasing under the multiple-use screen that considers conflicts with active oil and gas wells; active oil and gas units; perennial, riparian, and wetland resources; conservation easements; recreation areas; travel management areas; sport fishing reservoirs; areas of critical environmental concern; and cultural viewsheds.

#### **ES.6.3 Alternative C**

Alternative C uses the same coal screen applications for Screen 1 (coal potential), Screen 2 (unsuitability), and Screen 4 (landowner consultation) as Alternative B (**Appendix A**). For the multiple-use coal screen (Screen 3), Alternative C applies an additional air resource criterion based on greenhouse gas emissions that would result from additional transportation to deliver coal to the existing infrastructure. The air resource criterion limits coal development to an 8-mile infrastructure area around the four existing mines in the decision area. The 8-mile area encompasses existing transportation infrastructure (for example, haul roads, conveyor belts, and railroad loops) associated with load-out facilities at the existing mines.

### **ES.7 ENVIRONMENTAL CONSEQUENCES**

The purpose of the environmental consequences analysis in this SEIS/RMPA is to determine the potential for significant impacts of the federal action related to lands to be made acceptable for further consideration for coal leasing. The Council on Environmental Quality regulations for implementing NEPA state that the “human environment” is interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment (40 CFR 1508.14). The “federal action” is the BLM’s selection of an RMPA on which future land use actions related to coal availability will be based for the MCFO.

**Table 1-3 of Chapter 1** lists resources eliminated from the impacts analysis. Resources carried forward for analysis are included in **Chapter 3**, which objectively evaluates the likely direct, indirect, and cumulative impacts on the human and natural environment in terms of environmental, social, and economic consequences that are forecasted to occur from implementing the alternatives.

Because the coal RFD scenario developed for this SEIS/RMPA is the same for all of the alternatives, and because those areas that are unsuitable for surface mining or surface mining operations with exceptions would still need to be mitigated in order to be developed, the impacts would not substantially vary by alternative. Furthermore, impacts are substantially similar to those disclosed in the 2015 Proposed RMP/Final EIS (BLM 2015a). Under Alternative A, there would be a slight reduction in impacts from those disclosed in 2015 because this coal RFD scenario forecasts a smaller disturbance area than the RFD scenario used in the 2015 Proposed RMP/Final EIS.

# Chapter 3.

# Affected Environment and Environmental Consequences

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## 3.1 INTRODUCTION

This chapter describes the existing biological, physical, and socioeconomic characteristics of the decision area, including human uses that could be affected, and it evaluates the impacts or effects of implementing the proposed alternatives. The 2015 Proposed RMP/Final EIS described the baseline conditions in the decision area (BLM 2015a; Chapter 3: *Affected Environment*). Because the 2015 Proposed RMP/Final EIS describes the baseline conditions in detail, this chapter incorporates those conditions by reference and provides updated descriptions of those resources that have new or updated information. **Chapter 1** includes a list of those resources considered but eliminated from further analysis.

## 3.2 METHODS AND ASSUMPTIONS

### 3.2.1 Analytical Assumptions

Several assumptions were made to facilitate the analysis of potential effects and to ensure that the analysis adhered to the federal district court's order. The majority of resources will apply assumptions identified in the 2015 Proposed RMP/Final EIS. Below are general assumptions that apply to all resources:

- Planning issues identified in **Chapter 1** and the court's order provide the focus for the scope of effects analyses in this chapter.
- All resources will use baseline data from the 2015 Proposed RMP/Final EIS unless updated information is identified.
- Unless otherwise indicated, most impacts analyses assume a 20-year time horizon.
- The BLM RFD scenario forecasts approximately 775 million tons for mining in the MCFO, of which approximately 450 million tons are federal coal over the 20-year planning period within three counties (see **Appendix C**).
- The BLM forecasts a total of approximately 9,730 acres of surface disturbance for coal development in the next 20 years based on current leases and lease

applications, as identified by operators and detailed in the RFD scenario, **Appendix C**. Of this total, approximately 5,640 acres would be attributed to mining of federal coal. All mining-related disturbances would be limited to the three-county area of Big Horn, Richland, and Rosebud Counties. This level of disturbance would be the same under all alternatives, including the No Action Alternative (Alternative A). Because the RFD scenario limits the area of development to the three aforementioned counties, any lease application outside the three-county area during the life of this RMPA would require additional NEPA analysis.

- Because of the RFD projection previously described, the impact analysis area for Alternatives B and C is the lands acceptable for further consideration for leasing within the three-county area of Big Horn, Richland, and Rosebud Counties (see **Figures 3-1 and 3-2**); it does not include the entire planning area from the 2015 Proposed RMP/Final EIS. For Alternative A, the impact analysis area is the area acceptable for further consideration for coal leasing described in the 2015 Proposed RMP/Final EIS (BLM 2015a).
- The BLM used best available data at the time of application of coal screens for this effort. In accordance with 43 CFR 3461.2-1, the BLM could, based on additional site-specific surveys or changes in resource conditions, change the determination of Screen 2 (unsuitability) of a given tract at the activity planning stage, without amending the decisions in this RMPA.
- Assumptions about specific resources, included below, are generally the same as those in the 2015 Proposed RMP/Final EIS. In some cases, they have been updated for clarity.
- Acre figures and other numbers used in the analysis are approximate projections for comparison and analytical purposes only.

### 3.2.2 Reasonably Foreseeable Development Scenario

The BLM MCFO updated the RFD scenario from the 2015 Proposed RMP/Final EIS. The revised RFD scenario represents forecasted coal production from five surface mining operations during the 2019–2038 life of the SEIS/RMPA. Four operations (Spring Creek Mine Complex, Rosebud Mine, Decker Mine, and Savage Mine) are located in the decision area. One surface mine operation is located outside the decision area, but within the MCFO planning area (Absaloka Mine) because the coal is not federal coal administered by the BLM. There are no underground mines in the planning area and, based on the geology and economics, there are no reasonably foreseeable opportunities for underground mining in the planning area.

Because these five mines are dispersed throughout the field office and due to the fragmented nature of the intermingled landownership pattern, the forecasted production of the MCFO planning area reflects production from state, federal, and private coal. The forecasted production is derived from contract and future estimates provided by the operators and existing lease applications; therefore, no modeling projections were needed to estimate forecasted production. This RFD scenario accounts for projected closures at the Colstrip Power Plant and closure of the Lewis and Clark Power Plant.